

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAYLOR UNITED, INC., a Washington
corporation; and HELEN G. SENFF, a
widow,

Plaintiff,

v.

PETER J. GOLDMARK, in his official
capacity as the Washington State
Commissioner of Public Lands,

Defendant.

No. C09-5113-RBL

**STIPULATION AND ORDER
REGARDING STAY**

STIPULATION

Plaintiffs Taylor United, Inc. ("Taylor") and Helen G. Senff ("Senff") and Defendant Peter J. Goldmark, in his official capacity as the Washington State Commissioner of Public Lands ("Commissioner"), by and through their respective attorneys of record, hereby stipulate and agree as follows:

1. This matter involves a dispute between Taylor, Senff, the Washington Department of Natural Resources ("DNR"), and the Commissioner regarding the ownership, as well as the past, present and future use, of certain tidelands and shellfish in Totten Inlet, Thurston County, Washington. The tidelands that are the subject of the aforementioned

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dispute are hereinafter referred to as “the Disputed Area.”

2. The parties wish to resolve this dispute by agreement rather than through litigation. To that end, Taylor and DNR have entered into a Settlement Agreement (“Agreement”) under which Taylor will submit, and DNR will process, applications for an Oyster Harvest Use Authorization and a Geoduck Harvest Use Authorization that, if granted, would allow the harvest of oysters and geoduck currently planted in the Disputed Area at issue in this matter.

3. The Agreement provides, in part, that (a) within five days of the issuance of the Oyster Harvest Use Authorization, Taylor and DNR will jointly seek a stay of this lawsuit during the effectiveness of the Agreement; and (b) if and when the Geoduck Harvest Use Authorization becomes final (as that term is defined in the Agreement), Taylor will dismiss its claims in this lawsuit with prejudice.

3. DNR has issued the Oyster Harvest Use Authorization.

4. Accordingly, pursuant to the Agreement, Taylor and the Commissioner wish to stay this lawsuit during the effectiveness of the Agreement.

5. For the reasons stated herein, the Court should enter an order in the form subjoined hereto.

Dated this 8th day of June, 2009.

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22 **ORDER**

23 This matter coming before the Court on the stipulation of the parties, as set forth above,
24 and the Court finding it to be well-taken, NOW, THEREFORE, IT IS HEREBY ORDERED
25 that this matter is hereby stayed during the effectiveness of the Agreement

26 IT IS SO ORDERED.

Dated this 11th day of June, 2009

23 
24 RONALD B. LEIGHTON
25 UNITED STATES DISTRICT JUDGE
26

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STIPULATION AND ORDER
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